

**ASSEMBLY BILL**

**No. 1679**

**Introduced by Committee on Local Government (Longville  
(Chair), Maddox (Vice Chair), Thompson, Thomson, and  
Torlakson)**

March 18, 1999

An act to amend Sections 42302 and 42302.1 of the Health and Safety Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1679, as introduced, Committee on Local Government. Local Government Omnibus Act of 1999.

Existing law authorizes the district board of an air pollution control district or of an air quality management district to establish, by regulation, a permit system that requires, except as provided, that before any person builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance that may cause the issuance of air contaminants, the person obtain a permit to do so from the air pollution control officer of that district. Existing law provides that if a permit is denied, the applicant, within 10 days after receipt of the notice of denial, may request the hearing board of the district to hold a hearing on whether the permit was properly denied. Existing law also provides that within 10 days of any decision or action pertaining to the issuance of a permit by a district, or within 10 days after mailing, or after publication and mailing, as specified, of a notice of issuance of a permit, any aggrieved person who participated in the action before the district may request the hearing board of the

district to hold a public hearing to determine whether the permit was properly issued.

This bill would extend those 10-day time periods to 30 days.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be  
2 cited, as the Local Government Omnibus Act of 1999.

3 SEC. 2. Section 42302 of the Health and Safety Code  
4 is amended to read:

5 42302. An applicant for a permit ~~which~~ *that* has been  
6 denied may request, within ~~10~~ 30 days after receipt of the  
7 notice of the denial, the hearing board of the district to  
8 hold a hearing on whether ~~or not~~ the permit was properly  
9 denied.

10 SEC. 3. Section 42302.1 of the Health and Safety Code  
11 is amended to read:

12 42302.1. Within ~~10~~ 30 days of any decision or action  
13 pertaining to the issuance of a permit by a district, or  
14 within ~~10~~ 30 days after mailing of the notice of issuance of  
15 the permit to any person who has requested notice, or  
16 within ~~10~~ 30 days of the publication and mailing of notice  
17 provided for in Section 1 of ~~the act amending this section~~  
18 ~~in the 1993 Regular Session of the Legislature Chapter~~  
19 ~~1131 of the Statutes of 1993~~, any aggrieved person who, in  
20 person or through a representative, appeared, submitted  
21 written testimony, or otherwise participated in the action  
22 before the district may request the hearing board of the  
23 district to hold a public hearing to determine whether the  
24 permit was properly issued. Except as provided in Section  
25 1 of ~~the act amending this section in the 1993 Regular~~  
26 ~~Session of the Legislature Chapter 1131 of the Statutes of~~  
27 ~~1993~~, within 30 days of the request, the hearing board shall  
28 hold a public hearing and shall render a decision on  
29 whether the permit was properly issued.

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